

REMARKS

[0006] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-7, 9, 30-33, 35-40, 42-45, 55-56 and 58-59 are presently pending. Claims 1, 9, 30, 35, 44-45, 55 and 59 are amended herein. Claims 8, 10-29, 34, 41, 48-54 and 57 are canceled herein. No new claims are added herein.

Formal Matters

[0007] This section addresses any formal matters (e.g., objections) raised by the Examiner.

Abstract

[0008] The Examiner objects to the Abstract. Herein, Applicant amends the Abstract, as discussed during the Examiner interview and shown above, to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests the Examiner to withdraw this objection.

Drawings

[0009] The Examiner objects to the Drawings. Herein, Applicant amends the Specification, as discussed during the Examiner interview and shown above, to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests the Examiner to withdraw these objections.

Claims

[0010] The Examiner objects to claims 9 and 44 for minor informalities. Herein, Applicant amends these claims, as shown above, to address the objection made by the Examiner, and to expedite prosecution.

Substantive Matters

Claim Rejections under § 101

[0011] Claims 1-8, 30-43, 45, 58 and 59 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Applicant herein submits that the claims of the instant Application are to be construed—now and in the future—to be limited to subject matter deemed patentable in accordance with United States Federal statutes, namely section 101 of Title 35 U.S.C., and as interpreted by appropriate and authoritative Article III entities. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0012] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 103

[0013] Claims 1-7, 9, 30-33, 35-40, 42, 43, 55, 56 and 58 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0014] The Examiner's rejections are based upon the following references:

- **Baker:** *Baker*, et al. "A Layered Approach to Stereo Reconstruction" In IEEE Computer Society Conference on Computer Vision and Pattern Recognition CVPR (1998, pgs 434-441); and
- **Lengyel:** *Lengyel, et al.*, US Patent No. 6,064,393 (issued) May 16, 2000).

Obviousness Rejections

Based upon Baker and Lengyel

[0015] The Examiner rejects claims 1-7, 9, 30-33, 35-40, 42, 43, 55, 56 and 58 under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Lengyel. Applicant respectfully disagrees with the Examiner's obviousness rejections and traverses the rejection of these claims. Nonetheless, in order to expedite prosecution, Applicant has amended:

- Independent claim 1 to include allowable subject matter of dependent claim 8;
- Independent claim 30 to include allowable subject matter of dependent claim 34; and
- Independent claim 55 to include allowable subject matter of dependent claim 57.

[0016] Thus, Applicant respectfully submits that all pending claims are in condition for allowance, and requests the Examiner to allow all pending claims accordingly.

Dependent Claims

[0017] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0018] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Jacob Rohwer 61,229/ Dated: 2/13/2009

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